



Attorney Docket No. 038100-0313722
Application Serial No. 09/461,336

IFW

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re PATENT APPLICATION of:
Dazhi CHEN *et al.*

Confirmation Number: 3675

Application No.: 09/461,336

Group Art Unit: 3627

Filed: December 15, 1999

Examiner: Steven B. McAllister

Title: SYSTEM AND METHOD FOR ALLOWING EXCESS CAPACITY FOR RESTAURANTS AND OTHER INDUSTRIES DURING OFF-PEAK OR OTHER TIMES

SUPPLEMENTAL RESPONSE TO OFFICE COMMUNICATION

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Sir:

This is a supplemental response further to the response to office communication filed on May 11, 2006 which was filed in response to the Examiner's Office Communication dated April 20, 2006.

Remarks/Arguments begin on page 2 of the paper.

It is not believed that extensions of time or fees for net addition of claims are required beyond those that may otherwise be provided for in documents accompanying this paper. However, if additional extensions of time are necessary to prevent abandonment of this application, then such extensions of time are hereby petitioned for under 37 C.F.R. § 1.136(a), and any fees required therefore (including fees for net addition of claims) are hereby authorized to be charged to our Deposit Account No. 033975 (**Ref. No. 038100-0313722**).

REMARKS

The following remarks are submitted to supplement the Applicants Response to Communication (“Communication”) filed on May 11, 2006. The Examiner is seeking clarification for the term “distinct” as used in Applicant’s Response to Restriction Requirement submitted January 30, 2006 (“Response”), in which Applicant argued that the groups are “not distinct” (See Response at pg. 24). The term “distinct” was used in the context of its meaning in MPEP §802.01 in the context of restriction requirements. It was not used to mean anything more than that.

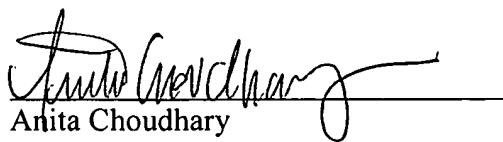
To further clarify, each group (I, II and III) as a whole may not be “distinct” over each other (within the meaning of MPEP §802.01), however, individual claims within a group may be separately patentable over each other for prior art purposes. To the extent the prior Response could be construed otherwise, this clarifies what Applicant intended.

Therefore, in further view of these additional clarifications the restriction requirement should be removed.

If, for any reason, a personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Respectfully submitted,

Date: June 5, 2006


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